

VILLAGE OF ALMONT

ORDINANCE NO. 169.1

FENCE ORDINANCE

An ordinance regulating the construction, location, and appearance of fences, privacy screen structures, hedges, invisible fences, and other protective barriers.

THE VILLAGE OF ALMONT ORDAINS:

SECTION 1. Purpose

The purpose of this Ordinance is to promote the public health, safety, and welfare by regulating the construction, location, and appearance of fences, privacy screen structures, hedges, invisible fences, and other types of protective barriers in the Village of Almont.

SECTION 2. Definitions

For the purposes of this Ordinance, the following definitions shall apply:

Construction site barrier – A temporary fence erected to protect a construction site from vandalism and unauthorized entry. Construction site barriers do not require a permit unless the barrier will be in place for more than one year.

Fence owner – Person or entity who owns the property upon which a fence is erected.

Front building line – The line established by the main wall of the front of the primary building, extending to each side lot line.

Front lot line – In the case of an interior lot, the line separating the lot from the street. In the case of a corner lot or double-frontage lot, the line separating the lot from that street which is designated as the front street in the plat, or as the address of the property in question.

Front yard – The full width of the lot enclosing the area bounded by the front lot line, the front building line, and lines drawn from the corners of the principal building nearest the side lot line that are a continuation of the front building line to the side lot line. (see diagram)

Hedge – Any bush, shrub, or any living green fence of any nature encircling, either wholly or any portion of any given area.

Invisible fence – An electronic system, which is capable of restraining animals within a specified boundary by the transmission of radio signals through wires to a receiver worn by the animal.

Ornamental fence – Fences designed in such a manner and of such materials that it is erected for purposes other than the practical one of preventing persons or domestic animals from crawling or passing through it. Ornamental fences require a building permit.

Privacy fence – Fences of opaque material having such qualities as to constitute a visual barrier. A visual barrier is provided if the distance or open space between boards, slats, rails, stanchions, or balusters is less than or equal to 3 inches when viewed and measured at 90 degrees to the fence line. A chain-link or wise-mesh fence shall also be considered to be a privacy fence. Privacy fences require a building permit.

Privacy screen structure – A sight-obscuring structure, erected adjacent to or around, but not limited to, a patio, deck, courtyard area, swimming pool or outdoor hot tub, designed to screen, but not enclose, the area behind it or within its confines. Privacy screens require a building permit.

Rear building line - The line established by the main wall of the rear of the primary building, extending to each side lot line

Rear lot line – The lot line opposite the front lot line. In the case of a lot pointed at the rear, the rear lot line shall be an imaginary line parallel to the front lot line, not less than 10 feet long lying farthest from the front lot line and wholly within the lot.

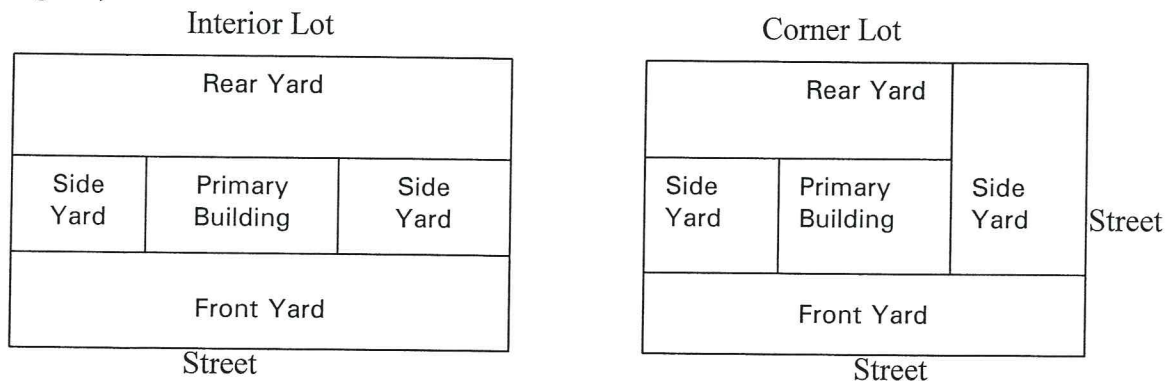
Rear yard (corner lot) – See diagram.

Rear yard (interior lot) - The full width of the lot enclosing the area bounded by the rear lot line, the rear building line, and lines drawn from the corners of the principal building nearest the side lot line that are a continuation of the rear building line to the side lot line. (see diagram)

Side lot line – Any lot lines other than the front lot lines or rear lot lines.

Side yard (corner lot) – See diagram.

Side yard (interior lot) – The area extending from the front yard to the rear yard enclosed by the plan view line of the side of the principal building on the lot to the side lot line. (see diagram)



SECTION 3. Permit

The erection, construction or substantial rebuilding of any fence, including an invisible fence, or privacy screen structure shall be performed within all municipal codes and shall require a building permit. Substantial rebuilding is reconstruction of more than 50% of the structure, a change in the height of the structure, or a change from existing material within a 12-month period. Painting, cleaning, replacement of like materials, or other actions commonly considered as general maintenance shall not be defined as "substantial rebuilding."

SECTION 4. Application Process

Any person desiring to construct, or cause to be constructed, any fence, including an invisible fence, or privacy screen structure for which a permit is required as defined in this ordinance, shall first apply to the Village Building Inspector for a permit. A permit fee shall be required as presently established or as hereafter prescribed by resolution of the Village Council. Application for the permit shall include any and all information requested by the Building Inspector to determine whether or not the construction of such a fence or wall will violate any portion of this ordinance.

SECTION 5. General Requirements – All zoning districts

- (1) No fence or privacy screen structure shall have barbed wire, razor wire, an electric current, spikes, nails, nor any other material installed for the purpose of causing injury or harm. Barbed wire cradles may be placed on top of fences enclosing public utility, municipal or industrial buildings as deemed necessary in the interest of public safety by the Building Inspector.
- (2) Owners of any fence or privacy screen structure shall maintain their fences or privacy screen structures in accordance with the provisions of all maintenance codes adopted by the Village of Almont. All fences and privacy screen structures shall be maintained plumb and true with adequate support and in a safe and sightly manner. The owner of any fence or privacy screen structure shall remove or repair a fence or privacy screen structure that is dangerous, dilapidated, or otherwise in violation of this Ordinance.
- (3) All fences (except invisible fences) and privacy screen structures shall be constructed of metal, iron, wood, or other durable material.
- (4) For interior lots, privacy fences shall be prohibited unless they are constructed in the rear yard or in the side yard. For corner lots, privacy fences shall be prohibited unless they are constructed in the rear yard or in that portion of the side yard, which does not abut a street and which does not extend beyond the front building line.
- (5) For interior lots, privacy fences, hedges, and privacy screen structures shall not exceed six (6) feet in height within a rear yard or side yard. Hedges and privacy screen structures shall not exceed forty-two (42) inches in the front yard. For corner lots, unless otherwise prohibited in Section 3.09 of the Zoning Ordinance, hedges and privacy screen structures shall not exceed forty-two (42) inches within the portion of the side yard, which abuts a street.

- (6) For all lots, ornamental fences may be constructed anywhere on the lot including on that portion extending from the front building line to within two (2) feet from the inside sidewalk line. Ornamental fences shall not exceed forty-two (42) inches in height and shall not be less than 50% open.
- (7) For all lots, invisible fences shall be set back a minimum of three (3) feet from the inside sidewalk line (or property line if no sidewalk is present) and from any walkway leading from the sidewalk or driveway to the house or building itself.
- (8) No portion of any fence or privacy screen structure shall project beyond the fence owner's property line except when the adjoining property owner's written consent has been obtained.
- (9) With the exception of an invisible fence, no fence or privacy screen structure shall extend toward any street beyond two (2) feet from the inside sidewalk line.
- (10) When erecting any fence next to an existing fence, the maintenance of the area between the fences shall be the responsibility of the person erecting the new fence.
- (11) Any fence or privacy screen structure having an unfinished side shall be installed so that the finished side of the fence shall be facing adjacent properties or the street.
- (12) Any fence or privacy screen structure constructed within 10 feet of a driveway or public right-of-way intersection shall be constructed in such a manner to permit an unobstructed view of the public right-of-way when exiting a driveway. The sidewalk shall be visible for a distance of 10 feet on both sides of the driveway. Visibility shall be judged from the garage doorjambs or 10 feet from the sidewalk along the driveway's edge, whichever is closer. The Building Inspector or his designee shall be the judge of visibility. These requirements shall apply whether or not the fence is on the same property as the driveway.

SECTION 6. Variances

Upon application in writing by any person directly or adversely affected, the Board of Zoning Appeals may, after a hearing in accordance with the established procedures of that Board, in its sound discretion and in the interest of the public health, safety, and welfare of the inhabitants of the community, reduce or remit the requirements of this Ordinance in individual cases coming before such Board.

SECTION 7. Violations

Any person or any person acting on behalf of another person violating any of the provisions of this Ordinance is responsible for a municipal civil infraction punishable by a civil fine of not more than Five Hundred (\$500.00) Dollars.


SECTION 8. Conflicting Provisions


Other ordinances and parts of ordinances in conflict with this Ordinance, to the extent of such conflict and no further, are hereby repealed. Section 3.12 of the Zoning Ordinance for the Village of Almont, Ordinance Number 159, and Ordinance Number 169 are specifically repealed in their entirety.

SECTION 9. Severability

Should any word, phrase, sentence, paragraph or section of this Ordinance be held invalid or unconstitutional, the remaining provisions of this Ordinance shall remain in full force and effect.

The undersigned President and Clerk of the Village of Almont hereby certify that this Amendatory Ordinance was adopted at a meeting of the Almont Village Council held on the 16th day of July 2002 and was published in the *Tri-City Times* on the 24th day of July 2002. The Ordinance was made effective as of said date of publication.


Sally McCrea
Clerk


Steven Schneider
President